



THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8
C. Gue
4/20/01

In re the Application of
Andre Colas et al.

) Group Art Unit: 1771 —

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) Examiner: D. Zirker —

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Serial No: 09/304,393 —

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Filed: May 4, 1999 —

) RESPONSE TO THE OFFICE ACTION

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DATED 11/13/00

Title: METHOD FOR ADHERING
SUBSTRATES USING ADHESIVE
DEVICES CONTAINING SILICONE
GELS

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Docket Number: VN24

) Dated: April 13, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REMARKS

Reconsideration of the application in view of the following remarks is hereby requested.

Claims 1-10 are in the case. Claims 1-10 have been rejected.

The Examiner rejected claims 1-10 under 35 U.S.C. § 102(b) as anticipated by

WO9609076A. The Examiner notes particularly the Abstract, Fig. 1, page 3, lines 1-7, lines 27-35, page 4, line 27-page 5, line 6, lines 28-30, page 6, lines 18-37. The Examiner also rejects claims 1-10 under 103 as being unpatentable over this same reference stating:

The reference is again relied upon substantially as set forth, above and if the reference is no considered precise enough (i.e., a large number of possible embodiments being disclosed) to constitute an anticipation, it can still clearly put the claimed invention within the ordinary skill of the art. Note the teaching of a non-woven carrier being coated

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on both outer surfaces with a continuous layer of a suitable silicone gel, which is substantially all that applicants' claims require. With respect to parameters such as the carrier density (claim 3), use of conventional release sheets (claim 6), and bonding a prosthesis to a human or animal body (claims 7, 9 and 10), these are each believed to be, if not expressly or inherently disclosed, and obvious parameters to one in the medical adhesives art, in the absence of unexpected results.

Applicant traverses this rejection and respectfully requests reconsideration.

Applicant has discovered a method for adhering a first substrate to a second substrate with an adhesive device comprising a carrier sheet, said carrier sheet having at least two surfaces. On one surface of the carrier sheet is a first, continuous layer of a silicone gel having a density in the range of about 100 to 4500 g/m². This gel has sufficient tack to adhere to the first substrate. On a second surface of the carrier sheet is a second continuous layer of a silicone gel having a density in the range of about 100 to 4500 g/m². This gel has sufficient tack to adhere to the second substrate. Examples of substrates that can be adhered are included on page 11, line 27 ff. of the specification and include medical prosthesis on patients, electrical components, and construction elements.

Applicant respectfully points out that that this invention and the claims related thereto are all method claims, specifically a method for adhering a first substrate to a second substrate with a silicon gel-containing composition.

By contrast, the Reference relates to a dressing, specifically a hypertrophic scar dressing, containing a silicone gel. The reference, however, does not teach the method of the present invention. Specifically, nothing in the reference teaches, suggests, anticipates or renders obvious

a method using a silicone gel composition to adhere a first substrate to a second substrate. In fact, the reference teaches away from the present invention when it suggests the inclusion of the top layer (4) which "...contributes towards increasing the wear strength, tensile strength and tear strength of the dressing, and in the majority of cases it is beneficial when the top sheet has a small coefficient of friction against clothing or other materials." Page 7, line 4 (emphasis added)

In addition, for these reasons it is obvious that nothing in the reference suggests the use of a silicone gel to adhere a prosthesis to a human or animal body as specifically claimed in claims 7, 9 and 10.

Applicant notes the Examiner's statement that "With respect to parameters such as ... bonding a prosthesis to a human or animal body (claims 7, 9 and 10), these are each believed to be, if not expressly or inherently disclosed, and obvious parameters to one in the medical adhesives art, in the absence of unexpected results." However, the Examiner is required to establish a prima facie case of obviousness before Applicant is required to respond and, in the present case, the Examiner's only proof proffered is the statement that it is an "...obvious parameter(s) to one in the medical adhesives art..." without any substantial showing that that the silicone gels herein have been used for such purposes.

For the above reasons, Applicant contends that claims 1-10 are not anticipated or obvious over WO9609076A and, as such, respectfully requests that the Examiner withdraw the rejections and allow the claims to issue.

The Examiner rejected claims 1 and 4 under 35 U.S.C. § 102(b) as anticipated by GB2,192,142A (Brassington et al is cumulative). The Examiner notes particularly page 1, lines

35-55, page 2 lines 46-130, page 3 lines 12-15, lines 20-27, Example 1. The Examiner also rejects claims 1-10 under 103 as being unpatentable over this same reference stating:


The reference is again relied upon substantially as set forth, above. With respect to obviousness, note that in certain embodiments the reference teaches a Fabric layer coated on both surfaces with a suitable continuous silicone gel, which is substantially all that applicants' claims require. With respect to the dependent claims (and claim 10), the Examiner's analysis is substantially the same as set forth in the prior obviousness rejection, above.

Applicant traverses this rejection and respectfully requests reconsideration for the same reasons set forth above. Specifically, the present reference has the same deficiencies as the above reference, i.e., nothing the Examiner cites teaches, suggests, anticipates or renders obvious the method claimed in the present invention for adhering a first substrate to a second substrate with a silicon gel-containing composition.

Again, Applicant respectfully requests that the Examiner withdraw the rejections and allow the claims to issue.

The present response is being submitted with a 2 month extension of time. You are also authorized to charge deposit account number 04-1520 any fees necessary to maintain the pendency of the present application.

Respectfully Submitted,
DOW CORNING CORPORATION



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